

Application Serial No.: 09/475,719
Amendment dated June 29, 2004
Reply to Office Action of June 6, 2004

ZG11

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: W. Leo Hoarty

Atty Dkt: 1436/139

Serial No: 09/475,719

Art Unit: 2611

RECEIVED

Date Filed: December 30, 1999

Examiner: Huynh, Son P.

JUL 06 2004

Invention: Home Interface Controller

Date: June 29, 2004

Technology Center 2600

CERTIFICATE OF MAILING

I hereby certify that this document, along with any other papers referred to as being attached or enclosed, is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on **June 29, 2004**.

Robert M. Asher

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE

Sir:

In response to the Office Action mailed June 4, 2004, Applicant respectfully traverses the pending rejections.

Claims 7-10 stand rejected under 35 U.S.C. 102 (e) as being anticipated by Yurt et al. Although Applicant is in disagreement with the Examiner regarding how the Examiner has chosen to read the claim in relation to Yurt et al., this need not be analyzed since Applicant is entitled to a priority date prior to Yurt et al. Thus, Yurt et al. does not constitute prior art.

The earliest possible effective date for Yurt et al. is its filing date of January 7, 1991.

The present application claims priority through a number of parent applications back as early as September 28, 1990. The Examiner is referred to priority application no. 589, 205 issued

as U.S. Patent No. 5,093,718 (the '718 patent). This application provides support pursuant to Section 112 for claims 7-10. Thus, Yurt et al. may not be used to reject these claims.

Referring with greater detail to the '718 patent and claim 7, a home interface controller 16 is illustrated in Figs. 3, 8, 9 and 19. In figs. 3 and 19, the home interface controller is shown for use with a television 38 on a cable television system. Fig 8 shows the data transceiver as transmitter 95 and receiver 86. A selection input is illustrated as infrared receiver 76 which receives data from subscriber device 40 or keyboard 56 as described in the '718 patent at column 12, lines 41-43. The television input is called out explicitly in fig. 8 as the cable TV input. The signal output to the television is also shown in fig. 8 and is identified with a legend "to TV set or cable converter." The '718 patent is directed to an interactive home information system for providing interactive service in which interactive signals from the user modify the content of the television signal capable of full motion video. For example, the '718 patent at column 6, line 66 to column 7, line 14 describes user commands that operate a cursor to flip through layered information, like viewing the pages of a catalog. Claim 7 predates Yurt et al. and the rejection should be withdrawn. Claim 7 and all claims depending therefrom should be allowed.

Claims 7 and 8 are rejected under 35 U.S.C. 102(e) as being anticipated by Young et al. '895. There are a wealth of differences between the invention as claimed and Young et al.

Claim 7 requires a "data transceiver for data communication with one a plurality of interactive processes over a data link in the cable television system." While Young provides an interactive television schedule directory, the directory and information relevant thereto is stored in the schedule/tape controller 180. The user thus interacts with the information in the controller itself rather than communicating through a transceiver over the

data link of a cable system with an interactive process. The tuner cited by the Examiner receives but does not transmit. Indeed, Applicant finds no disclosure in Young of any device for transmitting data over a data link in the cable television system to communicate with one of a plurality of interactive processes. Given the lack of this element, claims 7 and 8 are clearly not anticipated by Young.

Claim 7 further requires "a television input for receiving a signal capable of full motion video from the interactive process in response to the subscriber selection." The Examiner argues television input is met by inputs 201, 204, 205 of Young. These may be inputs but they do not receive the claimed input signal. There is no identification of an interactive process responsive to a subscriber selection that provides a television signal to any of these three inputs as required by the television input of claim 7. For this additional reason, claims 7-10 are not anticipated by Young.

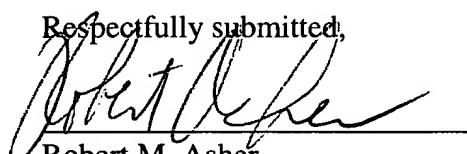
Claim 7 still further requires that "subscriber interaction with the interactive process modifies the content of the signal capable of full motion video that gets received by the television input." There is no disclosure in Young of modifying the content of the signal capable of full motion video that is received at the television input of the cable decoder 202 or the schedule/tape controller 180. The Examiner refers to the tuner switching the channel. The tuner merely alters the channel on the tuner output 216. Young does not disclose a subscriber modifying the content of the television signals received at the input 201, 204 or 205. Thus, in many respects Young et al. fails to disclose a home interface controller of the type claimed by Applicant for interaction with one a plurality of interactive processes. For all these reasons, the rejection of claims 7 and 8 as being anticipated by Young should be rescinded.

Application Serial No.: 09/475,719
Amendment dated June 29, 2004
Reply to Office Action of June 6, 2004

Claims 9 and 10 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Young '204 in view of Tindell et al. Applicant notes that Young '204 and Young '895 are both continuations of the same patent specification found in application no. 08/198,538. Indeed, the Examiner treats these two Young patents as interchangeable in the office action. For the reasons cited above, the claimed invention is not found for a number of reasons in the Young patents. Tindell is merely recited for disclosing data decompression and does not satisfy the deficiencies of the Young patents. Thus, for the reasons recited above with respect to claim 7 and 8, dependent claims 9 and 10 should be allowed.

The Examiner is kindly requested to indicate that the references, including the foreign patents and other publications, listed in the Information Disclosure Statement filed November 8, 2002 have all been considered, additional copies having been provided with the amendment of March 3, 2004.

For all the foregoing reasons, Applicant submits that the claims are patentable over the art of record and early notice to that effect is respectfully solicited.

Respectfully submitted,

Robert M. Asher
Reg. No. 30,445
Bromberg & Sunstein LLP
125 Summer Street, 11th Floor
Boston, MA 02110-1618
(617) 443-9292
Attorney for Applicant

01436/00139 319454.1.